THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.3411 of 2007

22nd February 2007

Between:

Sri Shiva Spinning Mills Private Limited, A Company incorporated under the provisions of Companies Act, 1956 having its Office at Urdugalli, Pahergatti, Hyderabad – 520 002 rep.by its Managing Director – Sri Kantilal Agarwal, S/o.Late Sri Gulab Raiji, aged about 68 years, R/o.Hyderabad. HT connectionNo.RRS 383.

...PETITIONER

AND

1. Vidyut Ombudsman, 5th Floor, Singareni Bhavan, Red Hills,Hyderabad – 500 004.

And five others.

...RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.3411 of 2007

ORDER:

The petitioner is a Spinning Mill and it is provided with HT Connection. Inspection was conducted on 22.07.2006 and it was found that the recording by the Meter was defective. An order of back billing was passed requiring the petitioner to pay a sum of Rs.9,70,606.50 ps. The petitioner was extended facility of payment of the said amount in four {4} monthly instalments. Aggrieved thereby, the petitioner filed

CG No.61/2006-07/R.R. (South) Circle before the Forum for Redressal of Consumer Grievances of APCPDCL, Hyderabad. The same was dismissed on 10.01.2007. Thereafter, the petitioner approached the first respondent by way of an appeal. It also filed an application for stay. The first respondent rejected the application through its order dated 07.02.2007. Hence, the Writ Petition.

Learned counsel for the petitioner submits that the back billing was done without any basis and just on assumptions. It is stated that the first respondent has fixed 19.02.2007 as date for reconciliation and when the adjudication itself is in progress, it ought to have granted stay.

Learned Standing Counsel for the respondent on the other hand submits that the Forum for Redressal had examined the matter in detail and rejected the contention of the petitioner and no exception can be taken to the rejection of stay by the first respondent.

Series of remedies are provided for under the Electricity Act, 2003 and the Rules made thereunder. It is no doubt true that the

petitioner lost before the Primary authority. If the petitioner is required to pay the entire amount even when the appeal is pending before the first respondent, no useful purpose would be served. The first respondent is said to have initiated steps for disposal of the matter. The instalments are fixed with reference to dates. The petitioner has already paid one instalment.

For the foregoing reasons, the Writ Petition is disposed of directing that the collection of further instalments of back billing amount from the petitioner shall remain stayed till the disposal of the matter by the first respondent.

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(L.NARASIMHA REDDY, J)

22nd February 2007

Note: CC by three days
B/O
RRB